



# Constructing, Deconstructing, and Reconstructing Career Civil Service Systems in Latin America

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**HARVARD Kennedy School**  
JOHN F. KENNEDY SCHOOL OF GOVERNMENT

# **Constructing, Deconstructing, and Reconstructing Career Civil Service Systems in Latin America**

## **Faculty Research Working Paper Series**

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# **Constructing, Deconstructing, and Reconstructing Career Civil Service Systems in Latin America**

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**March 2010**

The story is well-known. In 1883, the United States Congress passed the Pendleton Civil Service Act, establishing a merit-based public service system in the federal government. Borrowing from a previous British reform, the act established a Civil Service Commission whose job it was to wrest the public service from the control of party bosses. Now, with the passage of the Pendleton Act, “patronage-mongering methods of administration” were to be relegated to the corrupt and partisan past; a new era of professional government was at hand.<sup>1</sup>

Except, of course, that it wasn’t. Indeed, the story less often told is that of the first half-century of the civil service in the United States, when its future was far from assured. The old patronage system yielded only slowly to the reformers. Indeed, it was not until the 1930s that the Civil Service Commission could claim extensive incorporation of the federal public service in the “new” system.<sup>2</sup> Thus, long after reformers had declared their victory over the forces of patronage and spoils, control over recruitment into government office was still being contested and negotiated with the politicians who claimed the jobs for “their people.”<sup>3</sup> In the U.S., the career civil service was politically constructed—and not easily.

Today, the same kind of conflict over public sector employment is being played out in a number of Latin American countries. Patronage—the discretionary allocation of public sector jobs to reward followers and to cement political and personal relationships—continues to be a dominant way government is staffed in most Latin American countries. Its use in the governance of Latin America has a long tradition, of course, easily dating to the conquest, if not before. Indeed, across empire and republic, civil war and unity, authoritarian and democratic regimes, centralized and decentralized administrations, economic growth and stagnation, rural and urban contexts—patronage systems have endured and flourished. Although pressures are mounting to replace patronage-based public administrations with career civil service systems, the region’s older systems are proving resistant to the imprecations of reformers, as was the case in the United States a century before.

At the heart of the resilience of Latin America’s public sector patronage systems are the benefits they offer to those who manage them. Electoral and party support-building are the reasons most often given for the widespread use of patronage; the distribution of jobs can mean more votes for a candidate or a party or can be used to pay off political obligations after an election. Moreover, at times politicians have employed patronage as a tool to bring about significant policy reform and improved performance of government by bringing in “their people” to support change. Thus, the ability to colonize often rigid

or ineffective bureaucratic organizations with those who share commitment to new policy agendas or to bring highly qualified technocrats and skilled professionals into the public service in short order are valued opportunities for many reform-oriented presidents and their ministers. And, of course, the use of patronage can be a means to personal enrichment through corruption. Thus, because patronage systems are useful for a variety of purposes, from vice to virtue, they do not yield easily to reform initiatives.

Despite the utility of patronage systems, all major countries in Latin America have legislation establishing a formal civil service system, even while patronage remains widely in evidence. In this paper, I explain the anomaly between law and reality by showing that the fate of career civil service reform initiatives is generally determined *after* they have been legislated. Implementation, not law, determines the persistence of patronage and shapes the characteristics of emergent career services. Thus, efforts to introduce neutral and stable public services are on-going processes in which the construction of new systems is constantly threatened by deconstruction and reconstruction.

Many scholars, of course, have pointed to the importance of the implementation process for determining policy outcomes, and particularly for demonstrating how policy intentions go awry during this process because of competing interests, the electoral motivations of politicians, corruption, or inequalities in power that ensure that some are more likely to receive policy benefits than others.<sup>4</sup> In this paper, studies of reform initiatives in Brazil, Argentina, Mexico, and Chile certainly confirm that implementation is fraught with opportunities for distorting the intent of law. More importantly, these studies indicate the ubiquity of similar strategies used by the opponents of reform for offsetting the impact of new legislation.

Some agencies, for example, seek to opt out of a new system. Those who resist change also work to kill the organization charged with implementing the reform or to starve the responsible organization of funding and/or opportunities to hold recruitment examinations or competitions. In addition, they often seek to redefine the reach of the system through legislation. Finally, and universally, those who wish to continue to benefit from patronage find alternative ways of hiring personnel, often through temporary appointments or through new categories of personnel created to avoid the structures of civil service legislation.

In the cases presented here, each of these strategies has been used. Taken together, such strategies have been remarkably successful in blocking the systematic implementation of civil service laws. Nevertheless, there is evidence that public sectors in each of the case study countries have made advances in the degree of stability, professionalism, and expertise in public offices. This has generally occurred at the organizational level, where some agencies or ministries have wrested control of recruitment from partisan influence and have even used patronage to hire and retain well-qualified staff and build strong reputations for good performance. In some instances, organizational level career services have evolved and elsewhere, quasi-career systems have emerged, even when not sanctified through regular civil service channels. This suggests that there are significant

pressures on governments of Latin America to improve the performance of their public sectors and to ensure greater autonomy, professionalism, and stability. An important question raised by the paper, then, is whether the legislation of civil service systems is the best or only way to achieve these goals.

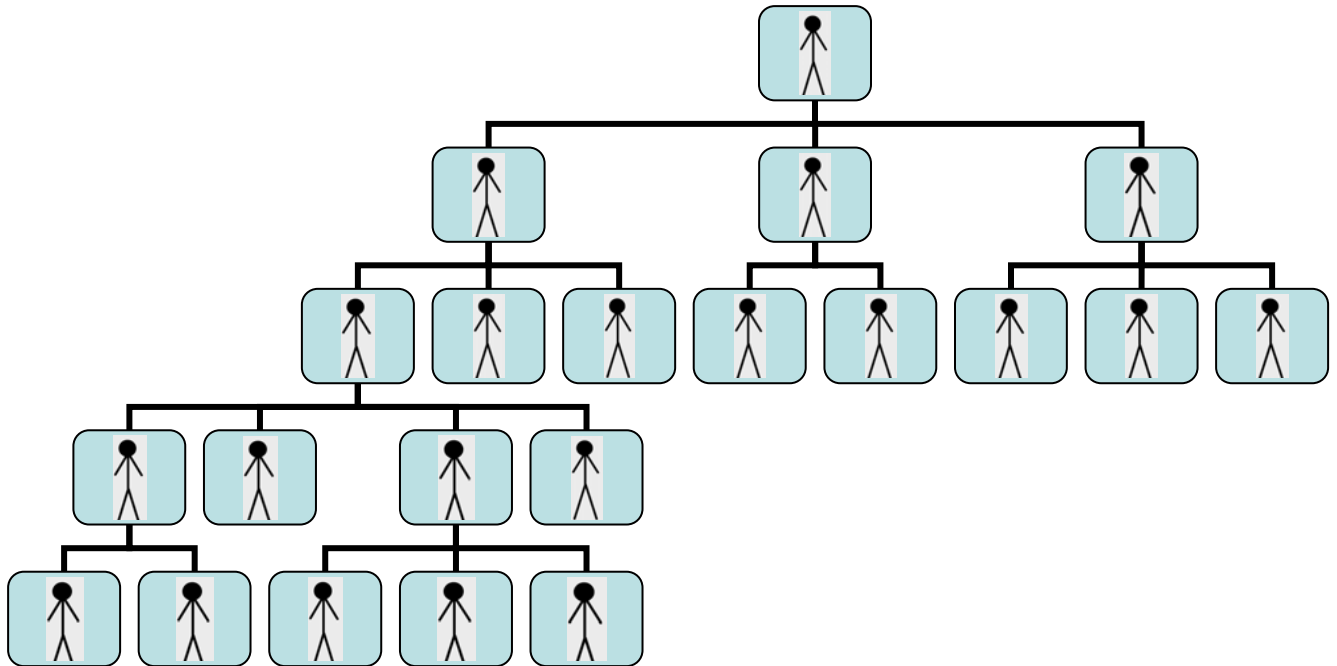
## **Phantom Civil Services**

Patronage in the public service is found in all political systems, of course, and usually characterizes the top level positions in government, acknowledged to be essential to political leaders to support their policy initiatives and to provide them with advice and leadership of public organizations. In some contexts, however, appointment for personal and/or political purposes is a primary route to a non-elected position in government.<sup>5</sup> Patronage *systems* are regularized, widely acknowledged as a customary (if not always legally recognized) form of appointment to public employment, independent of any systematic examination or credentialing system. These systems can be controlled and contested by the executive, the legislature, political parties, unions, or economic and social elites. They can be created and maintained for distinct reasons, but are, above all, a mechanism available to political and administrative actors to expand and maintain their power—over a country, a government, an organization, a party, or a faction.

Patronage systems can co-exist with more merit-based career systems that are specific to particular organizations—the foreign service is often a good example of an enclave civil service. In addition, legal claims to tenure and constraints on firing can constrict opportunities to dismiss those who have been appointed through patronage, thus creating a *de facto* civil service. Even with these constraints, however, many governments continue to reserve large numbers of government offices for discretionary appointment, often referred to as “confidence” employees in Latin America. In these systems, then, patronage is institutionalized in the sense that it is a generalized rule of the game for holding non-elected government positions.

Conceptually and heuristically, patronage systems in public service resemble extended pyramids of contracts between superiors and multiple subordinates in which a job in the public sector is exchanged for loyalty in some form (see Figure 1).<sup>6</sup> Power in patronage appointments thus cascades downward, while loyalty flows upward, culminating with some arbiter of employment opportunities—a president, parliamentary leader, party official, mayor, or union boss, for example. Loyalty is personal and can encompass mutual commitment to the long life and prosperity of the patron, to a dynasty of family or party faction, to a vision of the future or a set of public policy goals, to the hegemony of a party machine, to an idea of nationhood, class, or life in the hereafter, and so on. In reality, of course, patronage systems can be riddled with factions and conflict and be much messier than indicated in Figure 1.

**Figure 1**  
**Structure of a Classic Patronage System**



**Note: This system extends horizontally and vertically**

Civil service systems are those in which the preponderance of non-elected public sector jobs are filled through a process of credentialing based on education, examination, or some other test of merit; in which a career ladder exists and is accessed through regularized demonstration of credentials of education, examination, tenure in office, or other form of assessing merit; in which tenure is secure barring malfeasance in office; and in which movement in and out (through retirement, for example) is regulated and compensated.<sup>7</sup> In such a system, the official performs duties for the state or the service, not for the patron or the party. The rules of the game in this system are formal and objectified through rules and procedures.

By this definition, career civil services might seem alive and well in Latin America. In 2006, the Inter-American Development Bank (IDB) published a study of the public administration systems in 18 Latin American countries.<sup>8</sup> Table 1, which shows IDB data, suggests a *de jure* career civil service in all of them—each of their constitutions enshrines such a system. In addition, in all cases, laws have established a career system. In eight cases, where initial basic laws were nullified by courts, legislatures, or executive decrees, more recent legislation reinstituted the systems. Of course, not all of these provisions were quickly put in practice. In some cases, regulations followed fairly soon after legislation, but in Honduras, there was a nine-year gap before a law was provided enabling regulations and in Guatemala, the lag was 30 years. And, the table indicates that in seven cases, regulations have not put current legislation into effect.

**Table 1**  
**Career Civil Service Legislation and Regulations**  
**Latin American Countries, to 2004**

| Country | Civil Service in | Basic | Most Recent | Regulations for Most |
|---------|------------------|-------|-------------|----------------------|
|---------|------------------|-------|-------------|----------------------|

|                | <b>Constitution</b> | <b>Law</b> | <b>Basic Law</b> | <b>Recent Law?</b> |
|----------------|---------------------|------------|------------------|--------------------|
| Argentina      | 1957                | 1980       | 1999             | 2002               |
| Bolivia        | 1967                | 1999       | 1999             | 2000               |
| Brazil         | 1988                | 1936       | 1988             | NA                 |
| Chile          | 1980                | 1989       | 2003             | No                 |
| Colombia       | 1992                | 1992       | 2004             | No                 |
| Costa Rica     | 1949                | 1953       | 1953             | 1954               |
| Dominican Rep. | 1966                | 1991       | 1991             | 1994               |
| Ecuador        | 1979                | 1978       | 2004             | No                 |
| El Salvador    | 1950                | 1961       | 1961             | No                 |
| Guatemala      | 1985                | 1968       | 1968             | 1998               |
| Honduras       | 1957                | 1967       | 1967             | 1976               |
| Nicaragua      | 1987                | 1990       | 2003             | 2004               |
| Mexico         | 1917                | 1963       | 2003             | 2004               |
| Panama         | 1972                | 1994       | 1994             | 1997               |
| Paraguay       | 1992                | 1970       | 2000             | No                 |
| Peru           | 1979                | 1984       | 2004             | No                 |
| Uruguay        | 1967                | 1943       | 1943             | 1943               |
| Venezuela      | 1961                | 1975       | 2002             | No                 |

Source: Iacoviello 2006: 567-570

As in all countries, political systems in Latin America also recognize the legitimacy of political appointments to some positions. There are differences, however, in how extensively political leaders—primarily presidents and ministers—are granted rights to make choices based on their own criteria, as indicated in Table 2.<sup>9</sup> In most cases, officially available discretionary appointments fall well under 2 percent of all positions, although in Guatemala, Brazil, and Bolivia, political executives are legally entitled to much greater leeway to appoint “their people.”

**Table 2**  
**Percentage of Public Sector Positions**  
**Officially Available for Political Appointment**  
**2004**

| <b>Country</b> | <b>Percent of Total Public Sector Positions</b> |
|----------------|---|
| Argentina      | 0.26  |
| Bolivia        | 9.00  |
| Brazil         | 9.52  |
| Chile          | 1.34  |
| Colombia       | 1.08  |
| Dominican Rep. | 1.32  |
| El Salvador    | 0.78  |
| Guatemala      | 17.76   |
| Honduras       | 1.68  |

|           |      |
|-----------|------|
| Mexico    | 0.37 |
| Panama    | 0.71 |
| Paraguay  | 0.83 |
| Peru      | 0.46 |
| Uruguay   | 0.19 |
| Venezuela | 1.60 |

Source: Iacoviello and Zuvanic 2006:52.

Taken together, Tables 1 and 2 might suggest that most countries in the region are staffed with officials who belong to a career civil service. Yet, there are significant differences between *de jure* and *de facto* practices in the region. The IDB report indicates, for example, that in several countries—Guatemala, Venezuela, Brazil, Nicaragua, Mexico, and the Dominican Republic—political appointments are accepted *de facto* down to the level of unit or office chiefs and managers, that is, through middle ranges of the public administration.<sup>10</sup> In Bolivia, Honduras, Colombia, Costa Rica, and El Salvador, politicians regularly make personnel appointments down to the level of department heads and department managers. Politicians in Argentina, Uruguay, Panama, and Chile are given the least scope for appointments, with control generally available only over cabinet offices and the first level of sub-cabinet offices. Nevertheless, even in these countries, high level officials have considerable scope for appointing “their people” as advisors, without having to go through civil service appointment procedures.

Even this assessment probably under-represents the extent to which patronage appointments are the norm in many Latin American countries in the 2000s. As indicated above, civil service laws and regulations have not been regularly enforced. In Ecuador for example, 12,000 employees joined the government in 1983; only 300 of them had taken the required examination; only 10 percent of overall public sector workers had tenure.<sup>11</sup> In Mexico, up to 30,000 positions change hands when new administrations are elected. In Panama, only 18 percent of public positions are *not* available for patronage and some 25,000 employees were dismissed after recent elections.<sup>12</sup> In the Dominican Republic, some 3,000 employees incorporated into the career system lost their jobs in 2004 as a result of a change of government administrations.<sup>13</sup> In Colombia, a 2004 law sought to put an end to five years of legal ambiguity in which provisional appointments reached 38 percent of the career personnel.<sup>14</sup> In Venezuela, some 7,600 people lost their public sector jobs as a result of signing a referendum to recall the president in 2004.<sup>15</sup>

While instability of tenure is widespread, not all public officials suffer from it. In many countries, employees at lower levels of the bureaucracy enjoy job security because a tenure system has evolved through the unionization of clerks and blue collar workers such as maintenance personnel. In some countries of the region—Mexico is a good example—a large number of public sector employees are regulated under labor laws rather than civil service laws. But even with unions, the spoils system can thrive. Access to low level positions is often controlled by union bosses and allocated as patronage for party or intra-organizational political reasons. Thus, although unionization generally means extensive constraints on firing, it may not have much impact on issues related to recruitment, assignments, and promotions. Middle level officials, appointed through



patronage, enjoy tenure after appointment in a number of countries also. This kind of stability of tenure does not necessarily mean that a politically neutral regime exists for hiring.

In recognition of the gap between *de jure* and *de facto* systems, the IDB report indicated five levels of merit-based access—appointment through a process of examination or competitive *concurso*—to public service positions in the 18 countries its researchers investigated. Countries ranged from complete discretion in hiring (level 0) to extensive coverage of a career public service (level 5). As indicated, only Brazil ranks high on the chart, although Chile and Costa Rica are also acknowledged to have made significant progress in implementing a career system.

**Table 3**  
**Extent of Merit-Based Hiring**  
**in Latin American Countries**  
**2004**

| <b>Level</b>   |  |  |  |  |
|--|--|--|--|--|
| <b>0 (Low)</b>   | <b>1</b>   | <b>2</b>   | <b>3</b>   | <b>4-5 (High)</b>  |
| Panama<br>El Salvador<br>Honduras  | Nicaragua<br>Guatemala<br>Paraguay<br>Peru<br>Ecuador<br>Dominican Republic<br>Bolivia | Venezuela<br>Mexico<br>Argentina<br>Uruguay<br>Colombia                                | Chile<br>Costa Rica  | Brazil   |
| Predominance of discretion of authorities to hire, relocate, or fire employees | Largely unsuccessful efforts to limit discretion in hiring, promotion, and firing      | Merit systems live side by side with clientelism in recruitment, selection, and hiring | Predominance of technical criteria for recruitment, hiring, promotion, and firing of personnel | Open recruitment based on suitability, with guarantees against arbitrariness. Hiring based on competence using valid instruments. Mechanisms for ingress, promotion, absenteeism, discipline. Non arbitrary firing on the basis of performance |

Source: Iacoviello 2006:543, author's translation.

In summary, by the 2000s, most Latin American countries had laws mandating selection of public administrators on the basis of merit and setting up equivalents of a civil service commission to undertake recruitment and ensure fair treatment and the political neutrality of public sector workers. Yet, despite the consistency of this history throughout the region, in the early years of the new century, only Costa Rica, Chile, and Brazil recruited significant numbers of public sector workers through a structured career civil service system. What happened to the reform initiatives that were so widely legislated in the region?

## **Reformers and Anti-Reformers: Strategies for Change and Resistance**

Stories about the fate of career civil service systems are diverse, of course, and each country presents a unique tale of reform and resistance to it. Nevertheless, reformers and their opponents in four countries in Latin America indicate a common range of strategies for the construction, deconstruction, and reconstruction of such systems—opting out, disestablishment, starvation, re-claiming, re-defining, and re-engineering, as defined in Table 4. In all cases, these strategies had a clear impact on the characteristics of the civil service that was put in place, and played a definitive role in the reach and impact of reform. Each of the cases is discussed briefly below; each demonstrates that the politics of civil service reform extend over long periods of time, ensuring, at best, only modest victories for reformers.

**Table 4**  
**Mechanisms for Resisting Implementation of**  
**Civil Service Systems in Latin America**

| <b>Mechanism of Resistance</b> | <b>Definition</b>   |
|--------------------------------|---|
| Opting Out                     | Resisting incorporation into a new civil service regime at agency or service level  |
| Disestablishment               | Legislating out of existence an agency or commission charged with managing a civil service system                             |
| Starvation                     | Reducing the budget of the implementing agency to impede its function; canceling opportunities for examinations or concursos. |
| Re-Claiming                    | Decentralizing personnel decisions to ministry or agency level to thwart system-wide rules                                    |
| Re-Definition                  | Legislating reduced coverage of the civil service system  |
| Re-Engineering                 | Inventing means to hire public officials outside the regulations of a civil service system                                    |

### ***Brazil: Authoritarian Construction and Democratic Deconstruction***

In 1937, Getulio Vargas established himself as the head of the *Estado Novo*, an activist and authoritarian regime committed to the rapid transformation of the Brazilian economy and society. The constitution of the regime created a new department—a superministry, in effect—the Departamento Administrativo do Serviço Público, or DASP. This organization was to be a principal means for Vargas to achieve his developmentalist goals for the country. It was to review legislation, draw up the budget, assume responsibility for government purchases, and oversee the public administration and public buildings. It would supervise central government personnel and was to implement and monitor an examination system for entrance into the public service. At the state level, “Daspinhos” were set up to replicate the activities of the federal department. Further strengthening the agency, its direct link to the president helped insulate it from the resistance of ministries, including the ministry of finance, which sought to maintain more decentralized control over positions at the level of individual ministries.

A central purpose of the new DASP was to put a definitive end to the practice of patronage by establishing a new, modern, and technically competent career public service. Nevertheless, its new examination system was initially applicable only to about a quarter of federal administrative positions.<sup>16</sup> Positions at middle and high levels of the government continued to be categorized as “confidence” posts, available for appointment outside of the examination system, and autonomous agencies were excluded from it. The expectation was that the promotion of those entering the service by examination would eventually mean that many mid-level confidence posts would be taken over by those moving up through the ranks in the career system.<sup>17</sup>

The years of the *Estado Novo*, 1938 to 1945, were golden ones for the DASP. Its influence grew steadily as it proved a useful mechanism for Vargas to centralize control and extract autonomy from ministries and agencies. It focused much of its attention on professionalizing the lower ranks of the public service, where the attraction of distributing patronage jobs was most seductive. In addition, the DASP became a center for disseminating ideas on proper public administrative structures and processes and sponsored seminars, courses, and publications that enhanced the reputation of its generally high quality and technically-oriented staff. As part of its mission, the DASP focused on inculcating values of efficiency, professionalism, and technical problem-solving; it focused blame for the absence of these values on politicians and *o sistema*, referring to the importance of personalism, clientelism, and patronage to how politics had traditionally been carried out in Brazil.<sup>18</sup>

Its wide-ranging responsibilities, however, placed DASP on a collision course with the ministry of finance, which never effectively relinquished control over the budget to the new agency. Moreover, because this super-department was “deliberately used by Vargas as an instrument of personal rule,” it was immediately the subject of hostility by politicians and administrators who resisted the centralization of power under his dictatorship and who identified the DASP with the regime.<sup>19</sup> Its technocratic bias, its

negative framing of politicians, and its strong endorsement of centralization and control as means to improve administration did little to win it friends in government.<sup>20</sup>

It is not surprising, then, that the DASP faced a hostile reaction in 1945, when Vargas' *Estado Novo* was overthrown by Brazil's military and elections for a new government were called.<sup>21</sup> Almost immediately, many of its powers were taken away, ministries regained control over many personnel decisions, and the DASP's influence over the civil service waned as political parties actively sought votes through the use of pork and patronage. In a decree law of 1945, the DASP was stripped of most of its responsibilities other than setting standards, training, and research. Its budget was reduced by 10 percent.<sup>22</sup> An important part of the constitution of 1938, DASP was not mentioned in that of 1946.

In 1947, legislation drafted by the ministry of finance was introduced to disestablish DASP in favor of expanded responsibilities for the ministry of finance and special commissions that would organize and manage competitive examinations. Although this initiative failed, the then president declared that budgetary constraints precluded holding examinations and made extensive use of temporary appointments to circumvent entrance through the DASP system.<sup>23</sup> DASPistas resigned in protest to their diminished status and power, a move that was interpreted by new political leaders as evidence of the authoritarian preferences of the departments' personnel.<sup>24</sup> Patronage at all levels was justified in part as a feature of democratic systems, in distinction to the authoritarian origins of the DASP. In subsequent years, legislation was regularly introduced in congress to eliminate or further diminish the activities of the agency.<sup>25</sup>

The DASP continued to exist, but survival was its only claim to fame in the 1950s. It took cover in claiming that it was a purely technical agency of government. Simultaneously, the ministry of finance regained much of its influence in the management of government affairs and became adept at using budgetary constraints to curb the growth of both the career and the appointive civil service. The budget of the DASP declined from 2.2 percent of the national budget in 1945 to 0.3 percent in 1962.<sup>26</sup>

And, even though presidents consistently committed themselves publicly to a merit system, their actions belied their words just as consistently. Juscelino Kubitschek (1956-1961) found patronage an extraordinarily useful way of pursuing his policy agenda of rapid industrialization and political support building. In pursuit of patronage, examinations were regularly suspended and efforts were made to "blanket in" temporary employees.<sup>27</sup> Only Jânio Quadros (1961) acted in support of entry by examination, and began to provide support for reassembling the organization and expanding its training mission, but his resignation after 7 months in office put an end to this initiative. His successor, João Goulart (1961-1964), brought patronage to new heights as he appointed party members, cronies, and political bosses to public posts.<sup>28</sup>

When Goulart was overthrown, military presidents demonstrated a clear disdain for the politics of patronage and clientelism. They blamed *o sistema* for the inefficiencies and corruption that they saw as emblematic of Brazil's heritage of mass politics and they

sought to centralize and de-politicize the government, and particularly the executive, so that it could play a stronger role in stimulating and guiding economic development.<sup>29</sup> The national interest could best be served, they believed, through the technocratic management of government and the expansion of the role of the state in the country's development. The traditional political elites that managed local, state, and national networks of pork and patronage could not be trusted to lead the country anywhere but in their own narrow self interest—or so believed the leaders of a regime that was labeled one of the prime examples of bureaucratic authoritarianism, albeit one that preserved elections and legislatures.<sup>30</sup>

Nevertheless, patronage turned out to be a good way to pursue the military's goals. Military presidents took charge of appointment powers and used them extensively to put military officials and technocrats in key positions of authority, policy making, and implementation, conscious as all leaders are of the importance of loyalty among those they rely on to carry out their agendas. "The new rulers centralized economic policy making in the national ministries, strengthened the executive in firm military hands, and purged key federal state posts of traditional as well as populist politicians and replaced these with uniformed military officers and civilian economists, engineers, educators, and professional administrators—the core of a new technocratic elite."<sup>31</sup> Over time, military rulers accommodated their style to an increasing need to establish political support for their development agenda. By the mid-1970s, an expanded state had fully embraced the use of patronage not only for its technocratic aims, but also for its political ones.<sup>32</sup> As a consequence, several years after the negotiated withdrawal of the military from politics, observers of Brazil were hard pressed to find that it had made much impact on *o sistema*. Patronage politics served a useful purpose for the military and did not need to be re-introduced by the democratic regime that was installed in 1985.

Yet at the same time, the ranks of the career civil service continued to expand across administrations and regimes. Those appointed for temporary, irregular, or non-career posts were regularly granted permanent tenure and incorporated into a structure that protected them from arbitrary firing or replacement. A patronage system thus seemed capable of living side by side with an expanding career system. Equally of note, the strong reliance on the patronage system did not seem to limit the development of the country; presidents, jealously guarding their appointment powers and using them to negotiate agreements about national priorities, were often able to make the system work relatively well in the interests of economic and social development, even in the context of considerable political discord over the distribution of both pork and positions.

In the 1990s, the focus of reformers concerned about the public service shifted away from primary interest in the construction and reconstruction of a career system. An ambitious reform of the state to improve performance was undertaken during the presidency of Fernando Henrique Cardoso.<sup>33</sup> This initiative, one of the first to introduce principles of the new public management into the public sector in a Latin American country, was focused on reducing the size of the public administration, creating more accountability among public officials, increasing the autonomy of many organizations and organizational units, privatizing public agencies, and generating a series of mechanisms

in which public services could be produced or co-produced with the private sector or the not-for-profit sector.<sup>34</sup> The amendment that put this reform initiative into place also made incursions into the career system by placing limits on tenure and capping salaries of high level officials in many agencies. It also reduced some of the privileges of those who had positions in the career civil service and sought to incorporate organizations into a total quality management program. Management contracts and performance indicators became part and parcel of the language of bureaucratic reformism in Brazil in the 1990s.<sup>35</sup> Late in the decade and into the 2000s, reform attention shifted to the creation of an “entrepreneurial public administration,” whose goals were to bring personnel management into closer relationship with the budget and to focus on core careers in the civil service as mechanisms for resuscitating a permanent career service.

Throughout its history from the 1930s to the 2000s, then, Brazil’s career civil service was constructed, deconstructed, and reconstructed on numerous occasions. At the same time, this system continued to coexist with extensive opportunities for personal appointments outside the career system. With some regularity, this appointive power was used judiciously by many leaders and managers in high level positions to bring into government well-qualified managers and administrators who did not pass through the examination system of entry but nevertheless performed their responsibilities with relatively high levels of competence. Despite multiple strategies used by the opponents of the civil service, considerable stability and professionalism came to characterize much of the public service, whether its members were recruited through patronage or formal competitive process.

### ***Argentina: Pushing Reform to the Periphery***

Argentina’s experience of creating a Weberian career civil service was a function of a massive economic and fiscal crisis that opened up an opportunity for reformers to introduce major initiatives and carry them out in short order. In a relatively short time period, a new public service system was created to provide stable, career-trajectory jobs for a significant number of public officials. It was to be implemented comprehensively across the federal government. Yet twenty years after its creation, the number of officials incorporated into the system had declined, the size of the public sector had increased, and most public functionaries in a position to hire subordinates did so through a system of temporary contracts and project management positions that fell outside the career system. By the end of the 2000s, the career public service system had been largely pushed to the margin by a resurgence of political appointments.

Like other countries of Latin America, the public service in Argentina was long patterned on a patronage system inherited from the colonial empire. In the twentieth century, as political parties emerged and became institutionalized features of the political system, partisanship was a primary factor accounting for the appointment of public officials from the top to the bottom of the public service. When military governments held power, they also used patronage as a means of controlling the state. In the midst of this patronage system, several efforts at reform were attempted, without much impact. The constitution of 1957 guaranteed job stability to public employees without guaranteeing merit-based

entry. In 1973, a civil service system was established, but soon recruitment by examination was suspended and a variety of economic measures severely reduced its impact. Other laws and decrees introduced classifications schemes, which, by the 1980s, had multiplied into numerous specialized categories that made the management of the public service difficult if not impossible.<sup>36</sup> Reformers of the 1980s focused attention on training and improved work conditions rather than trying to untangle the complex web of classifications in place.<sup>37</sup> An initiative of 1987, modeled on the French experience of a high level corps, created the Government Administrators Corps, officials who were to serve as master managers across government, assigned where they were needed most. Although this service eventually incorporated about 200 highly qualified people, its implementation gradually lapsed, with those in this category gradually diminishing over time.<sup>38</sup>

Just prior to the creation of a new and comprehensive civil service system in 1991, the largest number of public officials in Argentina belonged to the category of *personal convencionado*. These were people who were appointed by discretion and who continued to have careers that were determined by the discretion of their superiors or patrons, yet they had tenure rights after one year of service and were protected by workers' rights legislation that applied also to the private sector. In this system, then, there was a degree of job stability for many public servants; they could be brought into the system through patronage, but remained on the public payroll through a system of tenure.

In 1991, the Argentine government of Carlos Menem, deeply enmeshed in an extraordinary economic and fiscal crisis, undertook to introduce a new civil service career system. Much of the ability to introduce it, in fact, was a consequence of the crisis. In the context of a gathering hyperinflation, Menem and the Justicialist (Peronist) Party easily won presidential elections in 1989 and moved quickly to implement a series of neoliberal economic reforms. A "law of economic emergency" gave extensive powers to the executive to decree policy changes without the need for legislative approval. The reform of the state was encapsulated within a set of laws and decrees to deal with an economic emergency, and its main intent was to stabilize the national economy and then to reduce the extensive public sector deficit that threatened that stability.<sup>39</sup> Privatization, deregulation, and decentralization reduced the size of the national public sector from 347,000 in 1989 to 200,000 in 1991.<sup>40</sup>

The losers of what one official called a "savage downsizing," and another called a "violent reform of the state," were the large number of employees who were part of the national union structure of public officials. Usually in a position of strength, the scale of the economic crisis had put these organizations in a weak position to bargain. In addition, and while there was no direct citizen participation in this reform, public opinion supported Menem, given hyperinflation and the depth of the crisis, and provincial governors acted as an important support for transferring health and education to the provinces. The most powerful national union of public sector employees bargained in favor of a new career system as a way to ensure job stability for at least some of its members.<sup>41</sup> The bureaucracy that remained after downsizing also favored the creation of the new system as a way to establish and maintain some semblance of job security.<sup>42</sup>

The objective of the new system, the Sistema Nacional de la Profesión Administrativa (SINAPA), was to create a simpler and clear career system, provide for the meritocratic recruitment of officials, and to bring stability and better working conditions to the profession of government in the country. A new Permanent Career Commission, with representation in each ministry, would oversee the system. Seniority would cease to be the measure used for advancement from one classification to another; all such promotions would be based on competitive processes; within classifications, advancement would be through a combination of time in position, annual performance review, and the accumulation of credits received by training activities through the National Institute of Public Administration (INAP). In addition, SINAPA established a special category of Executive Officials, whose responsibilities included important administrative and advisory responsibilities. Candidates for these positions entered through a competitive process, but employers could select among the top candidates, allowing some room for discretion.<sup>43</sup>

Overall, SINAPA was designed to incorporate some 30,000 positions that would be distinct in recruitment and career mobility from the extensive system of personal appointment that characterized Argentina prior to the reform. Indeed, the system got off to a good start. Initially, 22,000 positions were eligible to be classified into the new system and about half of those occupying these positions asked to be incorporated into it. In 1992, a law granted rights for collective bargaining to public sector employees, and in 1998-99, the first collective agreement was signed and approved, including within this agreement those who were part of SINAPA. Approximately 40 percent of the total number of national government personnel were part of this collective contract when it was signed.<sup>44</sup>

At the same time, however, most high level officials in Argentina continued to be able to hire personal advisors, to constitute, in effect, their own cabinets. Then in 1995, an executive decree opened the door to a return to widespread use of patronage appointments. "Product and service" contracts allowed for hiring people to provide services outside the budget for wages and salaries, in effect placing any such appointments outside the purview of the civil service.<sup>45</sup> Moreover, through Decree 92 of the same year, high level officials were allowed to expand the use of temporary contracts for personnel they wished to hire. Often, renewal in these 180-day temporary positions was automatic, at least while their bosses continued to hold public positions and while hiring of regular public servants was limited by job freezes.<sup>46</sup> By 2002, there were almost 17,000 such appointments, in addition to another 1,200 in projects funded internationally, in a total public sector amounting to 116,000 employees. In addition, new job titles, such as "program manager" were introduced outside the SINAPA system, adding to the existence of a "parallel bureaucracy."<sup>47</sup> Ministers thus were able to call new initiatives programs so they could benefit from a politically appointed program manager.<sup>48</sup> Recruitment to SINAPA positions was suspended in 2000. A major economic crisis in 2001 encouraged those with hiring rights in the public service to provide additional jobs for family and friends who lost jobs in other sectors.



Almost two decades after the introduction of a career system expected to begin with 30,000 positions and then grow managed a portfolio of less than 25,000 jobs, just over 20 percent of the public service. In the IDB report on public services in Latin America, Argentina was characterized as a country with “very developed processes that are only partially used.”<sup>49</sup> Thus, at the end of the 2000s, Argentina had in place a complex system of tenured public officials outside a career system, a broad career system, a dwindling corps of high level government administrators, and a massive number of temporary and contracted employees. This left considerable space for the continued practice of patronage appointments and for politicians and their appointees to marginalize career public servants from decision making on sensitive issues, and to side-step them in implementation processes.<sup>50</sup>

### ***Mexico: Reform and Retreat***

Mexico has a long and extremely well coordinated history of patronage in the public service. During more than 70 years of dominant party rule, the Partido de la Revolucion Institucional (PRI) operated an efficient clientelist system that originated in an extraordinarily powerful presidential office and encompassed most of the public sector and the party, down to the most remote village in the country.<sup>51</sup> This system had clear rules of the game: new presidents appointed ministers, heads of state-owned enterprises, and the mayor of Mexico City. Presidents were central in selecting nominees to run for election as governors, mayors of large cities, deputies and senators for the national congress, and could even indicate favored candidates for state level legislative elections; those nominated almost always won election given the hegemony of the PRI. Presidents also selected the leadership of the PRI. Official and friendly unions were headed by political appointees who were often selected by the president. In turn, each of the ministers, governors, mayors, PRI leaders, heads of state-owned enterprises, and union leaders selected their people, who then selected their people, and so on until the whole system could be envisioned as an extensive pyramid of patronage.

This system was legitimized through an important public sector labor law of 1938, which made a distinction between “base” personnel—blue collar and many clerical workers—who would have the protection of labor laws and rights to unionize, and “confidence” personnel who could be freely selected for public service by those holding positions of authority. In the aftermath of elections—for which there was a strict rule of no-reelection—massive numbers of political and bureaucratic positions changed hands. Only in a few specialized organizations—the foreign service, the statistics agency (INEGI), the electoral institute (IFE), attorney general’s office, and the tax office (SAT) are good examples—was it possible to develop a relatively stable career and to move upward within the same bureaucracy.<sup>52</sup>

Because the system was pyramidal and carefully managed from the top down, patronage served a variety of purposes for presidents and the party. Certainly it ensured engagement in political campaigns as activists throughout the country—even in remote rural areas—knew that jobs and spoils would be distributed in the aftermath of elections to those who worked hard and gained the attention of political bosses at various levels.

In addition, presidents could act relatively effectively on their policy agendas because they could select like-minded individuals to occupy leadership positions in key ministries and key ministers were clearly aware that they needed to select subordinates who could deliver on the shared agenda or they risked losing their jobs. There was also room in this system for awarding loyal union leaders, co-opting dissenters, and undermining the appeals of opposition parties. Perhaps nowhere were political officials more conscious that maintaining the political basis of the administrative system—it was a spoils system with a purpose, “a functional unit of the PRI.”<sup>53</sup> And yet, the increasing presence of technocrats in public positions suggested the sensitivity of the system to the need for expertise and modernization in the public service.<sup>54</sup>

But success does not last forever, even in well-managed machine politics. The political opening that Mexico began to experience in the 1980s and 1990s—and that resulted in the historic 2000 election of a president from an opposition party, Vicente Fox, also provided an opening for the introduction of a new career civil service system.<sup>55</sup> Keeping a low profile, reformers from the government, in concert with the academic colleagues, worked with the members of three parties who had each independently—and for distinct motives—introduced reform initiatives.<sup>56</sup> Political consensus in favor of the new system was significant and unusual, in large part because of the design of the new system. It focused on middle and higher level positions in a decision not to affect the careers of unionized workers; high level representatives of national ministries to the states were exempted to reflect concerns among governors; ministries and agencies already claiming a career system were exempted; and currently serving officials were given the opportunity to opt in or out of the new system. Moreover, in a context in which congress was newly relevant to national decision making, and with a president who did not enjoy great support from his own party, the reform provided a means of curtailing the traditionally hegemonic position of the Mexican presidency in political life. In relatively short order, a new *Servicio Profesional de Carrera* was introduced and approved by both houses of congress without contrary votes. Regulations, the responsibility of the executive branch, were prepared within a year.

The new service was directed toward about 43,000 middle and higher level positions, would begin with the third level of appointments in the government—those for general director—and would apply only to ministries of the central government. Those who claimed to be part of already established career services—doctors, teachers, foreign service and public security officers—were excluded from the new system. Moreover, those currently serving in relevant positions would have a choice of whether to opt into the new system or not. Ministers and deputy ministers would have a reserve of positions for “free designation” that would allow them to put together teams of “their people” while they were in office.

A new ministry of public service was created and implementation of the plan was to be gradual—although not as gradual as the reformers had urged. With a three year timeline, much of the responsibility for the new system working well was to rest with individual ministries. Yet the initial leadership of the new ministry of public service—committed reformers—sought a more centralized and rapid implementation of the plan. Within two

years, the goals set for three had been reached, and the ministry of public service had taken over a considerable amount of the hiring responsibilities that were to have been under the control of the ministries.

For the acceptability of the new system, this approach proved counterproductive.<sup>57</sup> Added to this, a variety of start-up problems plagued the new system, and little time was available for ironing out difficulties before its application was generalized. In particular, the rapid implementation of the system meant that it was not well organized, it was confusing, and it was overly complex. Months might pass before all procedures had been accomplished for filling a position, a factor that did little to win friends among officials in need of new employees. In the first years of the new system, about thirty percent of positions went unfilled.<sup>58</sup> Performance reviews proved complicated and ineffective. Ministries in search of new recruits found ways to avoid or subvert the *concursos* and to maintain their autonomy from the public service ministry.

The new administration of Felipe Calderón in 2006 brought changes that reduced the rigidity developing in the new system, but also opened the door to greater discretion in hiring. Under new regulations, ministries were given greater autonomy to implement the new system. When the president announced a reorganization of government ministries, the ministry of public functions was conspicuously absent. While the initiative to disestablish the ministry was not successful, the salience of public sector reform slipped significantly down the public policy agenda, as Calderón focused on issues of public security and drug trafficking. In this context, politicians and higher level administrators, who wanted their people in positions of confidence, found space to begin a counterattack on the public service law. Officials at high levels argued that the initial law had inappropriately drawn the line between political and administrative decision making posts. They lobbied hard for a revision to include the position of general director free designation by political leaders. And, as in other countries, the number of temporary and contract personnel expanded as public officials found a variety of means to prolong their ability to hire “their people.”

Actions for reclaiming, disestablishment, re-definition, and re-engineering combined to ensure that the new system would expand tepidly. At the end of 2007, only 8,300 public servants were part of the new system, 2,000 of these as a result of opting in.<sup>59</sup> As in other countries, initial experience with the a comprehensive civil service reform indicated that “The politicians want flexibility,” and they found a variety of strategies for pursuing this goal.<sup>60</sup>

### ***Chile: A Professional’s Profession in the Making?***

Chile’s public sector has long been characterized by a strongly centralized system, with a large allowance for party and presidential appointments. Although 1930 civil service regulations protected employees from some of the ups and downs of national politics, in the 1950s additional regulations provided for greater job stability, and in 1960 a reform established minimum requirement for recruitment and instituted career opportunities based on merit and seniority, the patronage system remained vibrant through the 1960s,

with “politicians acting as employment agents in many cases.”<sup>61</sup> Informal and formal rules tended to be observed simultaneously and, according to one observer, “It was a clientelist system, but it was selective clientelism, a kind of career system for those who performed well.”<sup>62</sup> And, the number of those benefitting from tenure—even though selected on the basis of patronage—grew over time.

One response of new presidents feeling constrained by the rules and partially embedded tenured public service was to create new positions and new organizations, sometimes paralleling already existing units, thus expanding the size of the bureaucracy to accommodate the need for political appointments.<sup>63</sup> The scope for discretion in hiring also proved attractive to the generals who took over power by force through a violent coup in 1973, and the use of public positions was central to the consolidation of the dictatorship.<sup>64</sup> With the return to democracy in 1990, the patronage system aided in recolonizing the government with those committed to democracy. Under the new democratic government, the patronage system generally adopted a quota model to accommodate a coalition of parties in government. “There is clear understanding in Chile of the need for political balance. That is why in the past there has always been an effort to bring in people across the political spectrum...For example, if a minister is a Christian Democrat, then it is tradition to have a Socialist as the vice minister. If there are four directors of services below them, then one would come from each of the coalition parties....At the same time, there has been an emphasis on getting really well qualified people in government.”<sup>65</sup>

Like the Mexican reform, the Chilean evolved out of a close-knit group of academics, finding a reform project in their shared concern over the quality of public sector leadership in the country. They did not have much support for their vision, however, until a political scandal erupted in 2002. This crisis arose from a practice of offering “envelope salaries,” an informal system to attract well-qualified people to government through the delivery of cash to high level officials.<sup>66</sup> The scandal came to light when the minister of public works stated publicly that he paid “his people” with an envelope. Chileans were mortified when they discovered that what they believed was a very clean system of government was hiding so much corruption. The president’s popularity declined almost immediately and other scandals further reduced his support.

This became a window of opportunity for the small group of reformers who already had a plan to present to the government, which they quickly presented to party leaders. Under great pressure, the party leaders followed the Chilean custom of working out legislation within and among parties and then relying on party discipline to ensure legislative approval. There was no public discussion of the reform initiative and congress as an institution was peripheral to determining the content of the reform. “The law was designed, it was agreed to by the heads of the party, it was simply presented to parliament for vote, with the assurance that a vote would be quick and favorable.”<sup>67</sup> It was supported by opposition parties in part because of an expectation that the new system would provide them with more opportunities for their partisans in government.

An autonomous Consejo de Alta Dirección Pública, selected by the president for 6 year terms, was composed of the national director of the Civil Service Office and four others who were to represent political parties, was to oversee recruitment procedures. The senate was to confirm the nominees to the commission. The Commission's main job was to ensure a public competition would result in the selection of three to five qualified individuals who could then be recommended to the President for high level positions or to the chiefs of services (departments) for second tier appointments. Those selected would be hired for three years on the basis of a contract that spelled out responsibilities and expectations for performance, and could be re-contracted for an additional three years. New appointments would only become available when incumbents retired, resigned, or were removed from office. Overall, then, this was an eminently political reform, reserving considerable discretion in the appointments process for political and personal criteria to be recognized and acknowledging the role of parties in public sector recruitment.<sup>68</sup>

The new system faced resistance in its initial years. The political agreement that gave birth to the reform law produced only tepid support from the government, which had been in a weak position to resist change. In fact, the government initially tried to resist the approval of the law; when that did not seem to be a winning strategy, it sought to include many transitional elements in the system to allow for the continuation of political appointments and to exclude as many services as possible from the reach of the new system.<sup>69</sup> Once the law was passed, the government delayed for a year in appointing commissioners to the new commission that would implement the plan. Then, ministers, vice-ministers, and senior managers complained that it often took as much as six months to fill a position.

The party opposition also criticized the slowness of implementation and the reluctance of the government to initiate open recruitment. Its management within ministries reduced the capacity of the commission to ensure it was working as designed. At times, those in a position to hire personnel rejected all of the candidates put forward and resorted to selecting temporary employees to replace the confidence workers they believed they had lost.<sup>70</sup> Despite the incorporation of over 100 services by the end of the 2000s, an observer summarized the continuing vulnerability of the new system. "The government people would rather select their own people and the opposition would like to see a good program fail."<sup>71</sup>

## **Conclusions**

Reformers of all stripes promote civil service reform as a tonic for corruption, nepotism, favoritism, partisanship, spoils, incompetence, lack of professionalism, inequity, capture, particularism, mediocrity, malfeasance, and electoral fraud and violence. In contrast, career civil services are thought to bring professionalism, merit, neutrality, uniformity, rule-orientation, competence, autonomy, predictability, and continuity to government. Indeed, patronage in the public service has no friends—aside, of course, from the politicians who provide jobs for "their people" and those who are favored with these appointments.

Consistently, then, reform rhetoric promises that a proper civil service system will slay the greatest of public sector dragons—patronage and the pervasive ills that patronage systems visit upon virtuous citizens and societies. Despite the rhetoric of good vs. evil, however, politicians and administrative leaders find numerous advantages in the ability to appoint “their people” to public office and thus have an interest in ensuring the persistence of such opportunities. Recent histories of reform initiatives in four countries suggest why civil service systems, where they have been introduced, continue to be caught in an ongoing political process of construction, deconstruction, and reconstruction.

Thus, to a significant extent, how a new system works is a function of the political conflicts and compromises that emerge around its implementation. In the case studies of Brazil, Argentina, Mexico, and Chile, those wishing to maintain discretion in public sector hiring adopted a series of similar strategies to halt or constrain the application of civil service laws, as indicated in Table 5. Arguing to be excluded from a new system was a strategy adopted by some organizations that had enough political power to do so or accepted by reformers as a price for getting legislation passed. Other strategies focused on attempting to end the life of the implementing agency, to starve it of resources, or otherwise constrain its activities. Where centralized systems were put in place, ministries and agencies often sought to re-claim the capacity to manage their own appointment process. Ministries of finance were often the most eager to reclaim rights over public sector hiring decisions, often claiming that independent commissions and civil service ministries would not be concerned about the budgetary consequences of their actions. In addition, new legislation was at times introduced to curtail the scope of the reform.

**Table 5**  
**Strategies Employed by Anti-Reformers in Four Countries**

| <b>Country</b> | <b>Year of Reform Legislation</b> | <b>Mechanisms to Impede Implementation</b>  | <b>Current Characteristics of the Public Service</b>   |
|----------------|-----------------------------------|---|--|
| Brazil         | 1938                              | Opting out<br>Disestablishing<br>Starvation<br>Re-claiming<br>Re-defining<br>Re-engineering | Strong reputation for competence<br>Pockets of efficiency managed at agency level<br>Alternatives to civil service reform to improve bureaucracy |
| Argentina      | 1991                              | Starvation<br>Re-claiming<br>Re-defining<br>Re-engineering                                  | Parallel bureaucracy<br>Pockets of efficiency managed at agency level<br>Stalled reform initiative   |
| Mexico         | 2003                              | Opting-out<br>Disestablishment<br>Re-claiming<br>Re-definition                              | Modest reputation for competence<br>Pockets of efficiency managed at agency level  |

|       |      |   |   |
|-------|------|---|---|
|       |      | Re-engineering                              | Stalled reform initiative   |
| Chile | 2003 | Opting-out<br>Re-claiming<br>Re-engineering | Strong reputation for competence<br>Limited impact of high level reform |

The table suggests that most commonly, hiring officials adopted the practice of bringing “their people” in through temporary appointments or as advisors who serve at the pleasure of their bosses. There were also opportunities to create parallel organizations with special hiring codes and salaries, to staff state-owned enterprises and agencies not subject to regular personnel rules, to bring in additional and contract employees, to create special “islands” with their own personnel regulations and codes, and to set up executive and implementing units for special programs. The case studies indicate that from middle level administrators to top level advisors, many of those appointed to public office continue to be subject to hiring and firing at will.

Does this pervasive “push back” from those who benefit from patronage mean that we must characterize the civil service reforms in Brazil, Argentina, Mexico, and Chile as failures? Certainly there is clear evidence that they were slow to be implemented and were consciously distorted or marginalized as they were put into effect. But the case studies also provide some evidence that over the longer term, procedures for ensuring a more neutral and stable public service in Latin America have gained ground, although not always through the development of full civil service system.

Over long periods, initiatives for reform have been redefined and undermined, but have continued to leave some legacy within the public service. Brazil and Chile are perhaps the best examples of the evolution of relatively stable tenure and incorporation into what is recognized in each country as a civil service with some autonomy from politics. Mexico and Argentina have farther to go to create more stability and autonomy, but these countries have also made some progress toward these goals, most notably at the level of individual organizations that have been able to develop their own career or quasi-career systems. This ability to infuse the public service with greater stability and autonomy was the consequence of a series of initiatives across numerous decades—creating rules about recruitment and categories of personnel and their careers in deliberate civil service reform initiatives, and also through organizationally-specific initiatives and bottom-up tenure processes.

Along with the slow accumulation of such legacies, many would agree that in these cases, even that of the highly politicized system in Mexico, the degree of competence and professionalism in government has been on the rise. Thus, even where patronage has continued to flourish, it can be used at times to infuse government with more professional and competent management. In all four countries, over time, the level of education of middle and upper level public officials has improved, with large proportions of public officials now boasting higher education. The image of the sleepy, inefficient, unresponsive, and corrupt public official who is the brother-in-law of a political hack remains current in rhetoric, but can be belied by evidence in some countries.

The introduction of civil service systems and merit hiring is an important objective for reformers in Latin America. Expectations about what such systems can achieve, however, need to be moderated. Civil service systems do not always mean better or more responsive government. In Table 6, the IDB data demonstrate that when the degree of merit in hiring practices is separated from assessments of public sector efficiency and capacity, scores in Argentina indicate considerable success in achieving the latter two characteristics without necessarily scoring high on the former. In contrast, Brazil's scores indicate that high marks on merit hiring are not enough to ensure the best standards for efficiency and effectiveness. Scores for Chile suggest less divergence and those for Mexico are closely aligned. These data indicate that much remains to be done to improve the performance of public sectors in many countries in Latin America, and also that a merit hiring is not the only measure of such improvement.

**Table 6**  
**Scores for Three Characteristics**  
**Of Latin American Public Sectors**  
**2004**

| Country            | Efficiency | Merit | Capacity |
|--------------------|------------|-------|----------|
| Argentina          | 50         | 31    | 47       |
| Bolivia            | 32         | 22    | 19       |
| Brazil             | 56         | 87    | 61       |
| Chile              | 59         | 62    | 47       |
| Colombia           | 42         | 52    | 48       |
| Costa Rica         | 40         | 58    | 57       |
| Dominican Republic | 38         | 19    | 26       |
| Ecuador            | 16         | 18    | 19       |
| El Salvador        | 8          | 9     | 17       |
| Guatemala          | 29         | 18    | 17       |
| Honduras           | 15         | 17    | 9        |
| Mexico             | 39         | 41    | 40       |
| Nicaragua          | 28         | 15    | 15       |
| Panama             | 10         | 2     | 13       |
| Paraguay           | 16         | 20    | 12       |
| Peru               | 16         | 18    | 14       |
| Uruguay            | 47         | 52    | 44       |
| Venezuela          | 38         | 35    | 38       |

Source: Longo 2006:582.

It would, of course, be disingenuous to argue that patronage does not contribute to incompetence and corruption in many Latin American countries, although it is perhaps impossible to know how much because many countries of the region also have weak institutions, lax regulatory systems, and arcane legal processes that can be part and parcel of poor performance and corrupt practices. Nevertheless, there is much truth to the assertion that the widespread use of patronage in Latin American public sectors facilitates “clientelistic practices, corruption or *amiguismo*,” conditions inimical to economic,



social, and political progress.<sup>72</sup> At the same time, and as we have seen, party identity and personal loyalty as criteria for appointment to office can coexist with more focused uses of patronage. Because such systems tend to be controlled by political executives and to be pyramidal in operation, ministers and other high level officials have the capacity to use their appointment power to attract highly qualified staffs to carry out specific policy initiatives—although of course, not all choose to do so. In some cases, significant instances of policy change can be partially attributed to the flexibility of patronage.<sup>73</sup> In these cases, the focused use of patronage has encouraged the responsiveness of bureaucratic actors to executive policy leadership and the rapid implementation of new policy initiatives.

The fatal weakness of patronage systems is not that they inevitably lead to incompetence but that they are capricious, subject to the whims and ends of those who manage them. Civil service systems are designed to end capriciousness with regularized rules about recruitment and career development. Thus, civil service systems offer a well-trod path toward more regularized government, more stable administrative systems, and greater bureaucratic autonomy from partisanship and political capture. This paper suggests that this path is a rocky one in Latin America, but also that it has not been embarked upon completely in vain. Legacies of law and practice have accumulated and can serve as a basis for further change. The histories of civil service systems in many countries indicate slow and halting progress rather than all-or-nothing reform success and failure.

Indeed, the path toward very halting reform may in fact be the path through which patronage systems will eventually be supplanted by career civil service systems—slowly, incrementally, and adaptively. This was certainly the experience of the United States. Conflict and negotiation have characterized movement from one form of public sector recruitment to another, and this generally results in a protracted period of co-existence between patronage and career systems. Latin American countries that have undertaken serious initiatives to reform the public service are no doubt functioning with this protracted time frame. If the question is “how is capriciousness and private and party interest minimized or removed from the administration of government?” this paper indicates that the answer is “slowly and gradually.”

## Notes

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<sup>1</sup> U.S. Civil Service Commission, Report to Congress, (date, page unknown), quoted in Skowronek 1982, pp. 78-79).

<sup>2</sup> See especially Skowronek 1982 for this argument.

<sup>3</sup> See especially Erie 1988 for a discussion of the distribution of patronage by party machines at local and state levels and national policy initiatives.

<sup>4</sup> The literature on implementation of public policies in developing countries is considerable. See, for an example, Grindle (1980).

<sup>5</sup> Patronage, of course, is not practiced solely by governments; for our purposes, however, I focus only on the use of patronage as a means for acquiring positions in government.

<sup>6</sup> Historically, patronage systems long predated any conception of a “public” sector. Indeed, patronage systems proved durable across the transformation from the private households of early rulers to the “public realm” of the state and the nation.

<sup>7</sup> Max Weber outlines these characteristics to demonstrate that public officials in a modern bureaucracy pursue a career of administration and work as servants of the state, not of patrons, kings, or other individuals. See Weber 1946:196-204.

<sup>8</sup> See Echebarría 2006; Iacoviello 2006; and Longo 2006a and 2006b. For a summary of the findings, see Iacoviello and Zuvanic 2006. The report focuses on seven “subsystems” of public sector management—human resource planning, the organization of work, employment, performance, compensation, management of development (training), and human and social relations. It presents five indices related to efficiency, merit, structural consistency, functional capacity, and integrative capacity.

<sup>9</sup> Information in this paragraph is taken from Iacoviello and Zuvanic 2006:53, based on a typology developed by Oszlak 2003. Countries in each category were designated based on conditions existing in 2004.

<sup>10</sup> Iacoviello and Zuvanic (2006:54) do not list Mexico in their categories. I have added it, based on my research.

<sup>11</sup> Ruffing-Hilliard 2001:600.

<sup>12</sup> Longo 2006b:605.

<sup>13</sup> Longo 2006b:606.

<sup>14</sup> During those five years, there was no law in place to regulate the civil service. Iacoviello 2006:545.

<sup>15</sup> Iacoviello 2006:545.

<sup>16</sup> Geddes 1994:53.

<sup>17</sup> Siegel 1978:68-69.

<sup>18</sup> Siegel 1978:77. For additional information on public sector reform in Brazil, see Graham 1968; Graham 1990; and Schneider 1991.

<sup>19</sup> Lambert 1969:176.

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<sup>20</sup> Siegel 1978:79.

<sup>21</sup> See, in particular, Siegel 1978:Chapter 5.

<sup>22</sup> Siegel 1978:99.

<sup>23</sup> Lambert 1969:180.

<sup>24</sup> Siegel 1966:49; 1978:93-94.

<sup>25</sup> Siegel 1978:106-107,

<sup>26</sup> Siegel 1978:147.

<sup>27</sup> Siegel 1978:Chapter 6. “Blanketing in” refers to the practice of appointing partisans to positions in government and then incorporating these positions into the civil service system so that incumbents acquire tenure. This is an important way in which civil service systems in many countries have expanded over time—politicians have blanketed in their supporters and the positions they hold then accrue to the formal personnel system.

<sup>28</sup> Geddes 1994-59-60.

<sup>29</sup> Hagopian 1996:2, Chapter 3.

<sup>30</sup> O'Donnell 1973; Hagopian 1996:107-108.

<sup>31</sup> Hagopian 1996:104.

<sup>32</sup> Hagopian 1996:151-152.

<sup>33</sup> See especially Bresser-Pereira 2003; Gaetani and Heredia 2002.

<sup>34</sup> On the contents of the reform, see Bresser-Pereira 2003.

<sup>35</sup> Bresser-Pereira 2003:94.

<sup>36</sup> Iacoviello and Zuvanic 2004: 74.

<sup>37</sup> Iacoviello and Zuvanic 2004:74.

<sup>38</sup> Nevertheless, during the economic crisis of the early 1990s, this corps provided a highly professional base for the planning of a number of government responses, including the creation of a new career civil service. By the late 2000s, only about 120 people remained in the corps. Interview, Oscar Oszlak, July 6, 2009. See also Iacoviello and Tommasi 2002:7.

<sup>39</sup> See, for example, Madrid 2003:Chapter 4.

<sup>40</sup> Acuña 1994:46.

<sup>41</sup> According to one observer, the career system was “candy given to the union for allowing downsizing to take place.” Interview Mercedes Iacoviello, July 8, 2008.

<sup>42</sup> Individual interviews Jorge Giles, Fernando Straface, Fernando Martin Jaime, July 7, 2008.

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- <sup>43</sup> Early criticism of this process focused on how job descriptions could be tailored to specific candidates, a situation criticized as having a correct methodology but an implementation system that left room for patronage and clientelism. Bonifacio 1995:6.
- <sup>44</sup> Iacoviello and Tommasi: 2002:10.
- <sup>45</sup> Ferraro 2004:7; Ferraro 2006:173.
- <sup>46</sup> Iacoviello and Tommasi 2002:3 (check all page numbers up through 11– not on copy I have)
- <sup>47</sup> Iacoviello and Tommasi 2002:45; Iacoviello 2006:545-546.
- <sup>48</sup> Ferraro 2006:171.
- <sup>49</sup> Iacoviello and Zuvanic 2004:82.
- <sup>50</sup> Ferrero 2006:166.
- <sup>51</sup> See Smith 1979 for a description of how the system worked.
- <sup>52</sup> The oldest of these systems was the foreign service, which introduced concursos in 1922.
- <sup>53</sup> Grimes and Simmons 1969.
- <sup>54</sup> See Grimes and Simmons 1969; Centeno 1999.
- <sup>55</sup> On the Mexican reform, see Martinez Puon 2005; Merino 2006; and Mendez 2008.
- <sup>56</sup> Méndez 2008:12.
- <sup>57</sup> Mendez 2008:15.
- <sup>58</sup> Mendez 2008:16.
- <sup>59</sup> Herrera Macías 2008:29.
- <sup>60</sup> Interview David Arellano Gault, April 18, 2008.
- <sup>61</sup> Parrish 1973:242.
- <sup>62</sup> Interview Alfredo Rehren, July 2, 2008.
- <sup>63</sup> Parrish 1973:244.
- <sup>64</sup> Remmer 1991:134-135. Pinochet is reported to have said, “Not a leaf moves in this country if I am not moving it!” Quoted in Remmer 1991:138.
- <sup>65</sup> Interview Jose Jara, June 30, 2008.
- <sup>66</sup> Sobresueldos were so named because they were above (sobre) regular salaries (sueldos) but also because the cash was delivered in envelopes (sobres).
- <sup>67</sup> Interview Jose Jara, June 30, 2008.

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<sup>68</sup> For details, see Ramírez Alujas 2009; Costa and Waissbluth 2007; for additional information, see Garretón and Cáceres 2003.

<sup>69</sup> Costa and Waissbluth 2007:20.

<sup>70</sup> Costa and Waissbluth 2007:13.

<sup>71</sup> Interview Rosanna Costa, July 3, 2008.

<sup>72</sup> Echebarria 2006:vii, author's translation.

<sup>73</sup> The neoliberal reforms so widely adopted in the 1980s and 1990s in many Latin American countries were often put in place and supported by ministries of finance and economics whose hiring policies were patronage-based but whose results were the recruitment of extensive technocratic talent into government. Similarly, when ministers or presidents sought to implement extensive new policies for urban development, social protection, or poverty reduction in the 2000s, many relied extensively on personally selected ministers and agency heads who in turn recruited through patronage with an eye toward policy impact. Political executives have also used the allocation of positions in government to forge legislative coalitions that make it possible to act boldly in introducing new policies.

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